

**SENATE JOURNAL  
61ST LEGISLATURE  
FORTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana  
March 3, 2009

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Story presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Brenden, Kaufmann, Squires, Windy Boy, and Zinke, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Balyeat, Chairman):  
**HB 126**, be concurred in. Report adopted.

3/3/2009

Senator Kaufmann and Senator Zinke present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Peterson moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gallus in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 322** - Senator Curtiss moved **SB 322** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Zinke, Mr. President.  
Total 47

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Brenden, Squires, Windy Boy.  
Total 3

Senator Windy Boy present.

**SB 464** - Senator Laslovich moved **SB 464** do pass. Motion carried as follows:

Yeas: Barrett, Black, Branae, T. Brown, Brueggeman, Cooney, Erickson, Esp, Essmann, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Schmidt, Shockley, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.  
Total 35

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Nays: Bales, Balyeat, Barkus, R. Brown, Curtiss, Gebhardt, Hinkle, Jackson, Laible, Ripley, Steinbeisser, Tutvedt, Mr. President.

Total 13

Absent or not voting: None.

Total 0

Excused: Brenden, Squires.

Total 2

**SB 476** - Senator Shockley moved **SB 476** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barrett, Black, Branae, T. Brown, Brueggeman, Cooney, Erickson, Esp, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Williams, Windy Boy, Zinke, Mr. President.

Total 37

Nays: Barkus, R. Brown, Curtiss, Essmann, Hinkle, Jackson, Larsen, Laslovich, McGee, Tutvedt, Wanzenried.

Total 11

Absent or not voting: None.

Total 0

Excused: Brenden, Squires.

Total 2

**SB 488** - Senator Windy Boy moved **SB 488** do pass.

**SB 488** - Senator Windy Boy moved **SB 488**, second reading copy, be amended as follows:

1. Page 3, line 13.

**Following:** "subjects"

**Strike:** "of"

**Insert:** "associated with or claimed by the relevant entity regarding"

Amendment adopted as follows:

Yeas: Bales, Barrett, Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Williams, Windy Boy, Zinke.

Total 42

Nays: Balyeat, Barkus, Juneau, McGee, Wanzenried, Mr. President.

Total 6

Absent or not voting: None.

Total 0

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Excused: Brenden, Squires.  
Total 2

**SB 488** - Senator Windy Boy moved **SB 488**, as amended, do pass. Motion **failed** as follows:

Yeas: Branae, Brueggeman, Cooney, Erickson, Essmann, Gallus, Gillan, Hamlett, Hawks, Jent, Keane, Laslovich, Lewis, Moss, Murphy, Perry, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, Williams, Windy Boy.  
Total 23

Nays: Bales, Balyeat, Barkus, Barrett, Black, R. Brown, T. Brown, Curtiss, Esp, Gebhardt, Hansen, Hinkle, Jackson, Juneau, Kaufmann, Laible, Larsen, McGee, Peterson, Schmidt, M. Tropila, Tutvedt, Wanzenried, Zinke, Mr. President.  
Total 25

Absent or not voting: None.  
Total 0

Excused: Brenden, Squires.  
Total 2

**SB 488** - Senator J. Peterson moved **SB 488** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, R. Brown, T. Brown, Curtiss, Esp, Essmann, Gebhardt, Hansen, Hinkle, Jackson, Juneau, Laible, McGee, Perry, Peterson, Ripley, Schmidt, Steinbeisser, M. Tropila, Tutvedt, Wanzenried, Mr. President.  
Total 26

Nays: Branae, Brueggeman, Cooney, Erickson, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Murphy, Shockley, Stewart-Peregoy, J. Tropila, Williams, Windy Boy, Zinke.  
Total 22

Absent or not voting: None.  
Total 0

Excused: Brenden, Squires.  
Total 2

Senator Peterson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Story in the chair. Chairman Gallus moved the Committee of the Whole report be adopted. Report adopted unanimously.

**UNFINISHED BUSINESS**

Minority Leader Williams and Majority Leader Peterson discussed future floor action.

**SPECIAL ORDERS OF THE DAY**

Senator R. Brown introduced the Senate Pages for the week of March 2 - 7, 2009.

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**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 1:00 p.m., Wednesday, March 4, 2009. Motion carried.

Senate adjourned at 1:44 p.m.

MARILYN MILLER  
Secretary of the Senate

ROBERT STORY  
President of the Senate